

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States of America

v.


Case No. 08-cr-84-01-PB

Rutilio Chavez Deleon

ORDER

Re: Document No. 18, Motion for Status of Counsel Hearing.

Ruling: Denied. The court must presume defendant is competent to stand trial, as nothing in the record suggests otherwise. That the defendant has reportedly chosen not to cooperate with appointed counsel because he has different personal priorities - a strategy unlikely to benefit him in the end - is his choice to make. Counsel is obligated to do the best he can under the circumstances to represent the defendant. Where defendant's conduct renders that representation less effective than it might otherwise be, defendant will bear the consequences. The motion does not suggest any reason to think a status conference is necessary or would be helpful. Counsel has no doubt advised defendant of the consequences of his current course of action, and having the court repeat such admonishments is not likely to serve any useful purpose. This is a criminal case and it must be resolved with reasonable promptness.


Steven J. McAuliffe
Chief Judge

Date: February 17, 2009

cc: Jeffrey S. Levin, Esq.
Alfred Rubega, AUSA